

U.S. Department of Justice



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February 2, 2006

VIA E-FILING

The Honorable Kent A. Jordan
U.S. District Court, District of Delaware
J. Caleb Boggs Federal Building
Room 6325
Lockbox 10
844 King Street
Wilmington, DE 19801

Re: United States Department of Health and Human Services. v. Southern Delaware Center for Children and Families, Inc. et al., No. 05-809 (D. Del.)

Dear Judge Jordan:

I write to update the Court as to the status of the above-captioned action.

The parties were last before the Court for a hearing on December 29, 2005 (the "Hearing"). At the Hearing, the United States contended that the Defendants had not complied with the Court's December 7, 2005 Preliminary Injunction Order (the "Order"). After the Hearing, counsel for the United States, representatives from the Administration for Children and Families and the Defendants¹ met and discussed ways to facilitate the Defendants' compliance with the Court's Order.

Since the Hearing, the Defendants have complied with additional portions of the Court's Order. Specifically, the Defendants turned over to Community Development Institute ("CDI") additional vehicle titles and keys and other equipment. The Defendants also turned over to CDI possession of the Laverty Lane Center.

Although it took some time, the Defendants eventually permitted CDI to access the Seaford Center so CDI could remove Head Start equipment located there. Notably, on January 25, 2006, after receiving permission from the Defendants, CDI representatives went to the Seaford Center with movers to remove equipment. I am informed that approximately ten former employees of the Southern Delaware Center for Children and Families, Inc. ("Southern Delaware") arrived at the Seaford Center and tried to prevent CDI and the movers from removing any equipment. After

¹William B. Duffy was the only defendant who did not attend the hearing.

intervention by the local police, the Seaford City Manager and the Seaford Mayor, CDI was permitted to continue removing equipment. As I write this letter, the United States believes that CDI has removed all of the Head Start equipment from the Seaford Center except for one storage shed that has proven difficult to remove. The United States will continue to make efforts to remove that shed to the extent it can be removed in a cost-effective manner.

On January 24, 2006, Defendant Francis Ogundare faxed to the United States (1) a series of applications for duplicate vehicle titles, (2) an inventory of equipment that *CDI had prepared*² and (3) a letter stating that Southern Delaware “did not have anything to report as inventory because CDI had already removed the inventory from the buildings located in Bridgeville, Marantha Rd. and Seaford, Front Street.” Accordingly, the United States submits that the Defendants have not complied with their duty to provide a final inventory of all equipment purchased with Head Start funds. Because the Defendants failed to submit a final inventory, at this time the United States does not know whether the Defendants have turned over all of the vehicles and other equipment that they purchased with Head Start funds.

I am pleased to report that children are receiving Head Start services at the Milford Center and the Laverty Lane Center. The United States expects that those centers will soon be fully enrolled – specifically, Milford expects to enroll 80 children by February 9 and Laverty Lane expects to enroll 80 children by February 14. Also, the United States expects that in February CDI will begin home-based Head Start services for children in Seaford while CDI continues to search for a suitable site in Seaford for additional Head Start services.³

In conclusion, the United States respectfully submits that while the Defendants have not fully complied with the Court’s Order,⁴ the Defendants are no longer impeding the resumption of Head Start services for children in Sussex County. The United States will continue to make efforts to force the Defendants to comply with their obligations under the Head Start regulations and other laws. However, given that the Defendants are no longer preventing children from receiving Head Start services, at this time the United States does not expect to ask for the Court’s assistance in forcing the Defendants to comply with the Court’s Order.

I am available at the call of the Court to answer any questions.

²CDI previously provided Southern Delaware with an inventory of equipment that CDI created to aid the Defendants in creating their Court-ordered final inventory. Still, the Defendants have not provided a final inventory.

³On January 24, 2006, the Seaford City Council met and decided that Southern Delaware – and not CDI – could use the Seaford Center.

⁴Specifically, the Defendants failed to turn over a final inventory and certain records, and possibly failed to turn over certain Head Start vehicles and other equipment and supplies.

Respectfully,

COLM F. CONNOLLY
United States Attorney

By: /s/ Seth M. Beausang
Seth M. Beausang (I.D. No. 4071)
Assistant United States Attorney

cc: Southern Delaware Center For Children and Families, Inc. (by First-Class mail to its Board of Directors)
Francis A. Ogundare (by First-Class mail)
Carolyn Williams (by First-Class mail)
Reverend Leon Williams (by First-Class mail)
William B. Duffy (by First-Class mail)
Wallace F. Handy (by First-Class mail)
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